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Minutes

Board of Elevator Regulations

One Ashburton Place, 13th Floor, DPS conference room

May 24, 2016 - 1:00PM

Board Members Present:

Stephen Sampson, Chairman
David Gaudet, Member
John O'Donoghue, Member
Cheri Davis, Member
David Morgan, Member

Guest Present:

Susan Moskal (ABL Realty LLC)
Daniel Burham (T. Douglas Architects)
Paul McCarthy (Garaventa Lift)
Jean Perry (Sacred Hear Parish)
Mike Doyle (Garaventa Lift)
Kaja Savasta (CSS Architects)
Ruthy Barros (DPS)

Board Members Absent:

Thomas Riley
Harold J. McGonagle
Michael J. Nicoloro, Jr.

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on May 17, 2016. **A motion to accept the minutes was made by David Morgan, and seconded by John O'Donoghue. 4-0 Vote and abstained by Cheri Davis.**

The Board discussed the following:

2. **835 West Central St.– Franklin, MA**

Unit: 101-P-78

524 CMR Section 17.34

Owner: ABL Realty

Petitioner: Suzanne Moskal

The petitioner, Suzanne Moskal, came before the Board seeking a variance from 524 CMR Section 17.34, due to the location of the disconnect switch. The petitioner was previously in front of the board on March 15, 2016, where the Board members voted on a continuation, to allow the petitioner to provide additional information and pictures. The petitioner submitted additional information regarding the case as requested after her first hearing. The petitioner stated that the main line disconnect has remained in the current location since the original install in 2002 and there were no previous variances. The elevator room door currently opens out and away from the

utility room entrance/exit, making egress accessible. Currently, the main line disconnect is not located on the lock jam side of the machine room door. The disconnect switch is 27 inches from the hinge side. The petitioner stated that if the switch sides of the door hinges, egress from the elevator and utility room may actually be hindered. Also, if she move the disconnect switch, it will no longer be in clear view and accessibility will be less than ideal. The board members had safety concerns in regards to the location of the main line disconnect and it not being located in the typical location, which would be on the jamb side, where emergency personnel are accustomed to seeking. A motion was put forth by David Gaudet to deny the variance for the lock jam side disconnect location, but allow for the distance of 27 inches to the disconnect and affix a sign that would be in clear visible display on the elevator room door that shall read, "Disconnect is located 27 inches from strike". Motion was seconded by John O'Donoghue.

Motion by: David Gaudet

Seconded by: John O'Donoghue

Vote: 5-0; Granted

3. 74 Bridge St. – Northampton, MA

524 CMR Section 23

Owner: Todd Marchefka

Petitioner: Daniel Bonham

The petitioner along with Paul McCarthy, a representative of Garaventa Lift, came before the Board seeking a variance from 524 CMR Section 23. The petitioner was seeking for an interpretation on the section of the code on private residence versus single residential building. The proposed elevator would be a new installation in a four story apartment building. The elevator would be for the owner's personal use, with no access to the common areas or the street and there will be no accessible path. The petitioner stated that the dwelling is categorized as an owner occupied rooming house, R2 use with an extended stay. The petitioner also stated that there is only access between dwelling unit #1 and the other dwelling units from the first floor, which is a key locked door. The board stated that a rooming house is considered a business and the questioned address as a business would require a passenger elevator, not a single family owner occupied dwelling, requiring a private residential elevator. A motion was put forth by David Gaudet that the interpretation of 524 CMR Section 23 does not apply. Buildings with multiple units do not meet the definition of a single residential building as defined in 524 CMR and supported by previously published Department of Public Safety documents. The motion was seconded by Cheri Davis.

Motion: David Gaudet

Seconded by: Cheri Davis

Vote: 5-0; Denied.

4. 47 Sixth St. – Cambridge, MA

Unit: 49-W-2052

524 CMR

Owner: Roman Catholic Archbishop of Boston, A Corporation Sole

Petitioner: Sacred Heart of Jesus Parish

Mike Doyle, a representative of Garaventa Lift, along with Jean Perry, Administrator Assistant of Sacred Heart Church, came before the Board seeking a variance from 524 CMR to use door strikes in lieu of door interlocks. The church currently has a three stop lift that is a hybrid that they would like to replace with a code compliant three stop vertical lift. Mr. Doyle stated that the existing limited use wheel chair lift would like to reuse door and electric strikes, which will save the parish approximately \$10,000 to \$12,000. The Board pointed out to Mr. Doyle and Ms. Perry that the current certificate for elevator use has expired as of July 13, 2011. A motion was put forth by Cheri Davis to place the variance on hold pending further information, which should include section of code, more information on locks, loss of power and ability to cover the locks from the outside from vandalism. The motion was seconded by John O'Donoghue.

Motion: Cheri Davis

Seconded by: John O'Donoghue

Vote: 5-0; Place on hold.

5. 311 Grafton St. – Building #2 – Worcester, MA

524 CMR Section 32.04

Owner: City of Worcester DPW and Parks

Petitioner: K Russell Adams

Kaja Savasta, a representative of CSS Architects and Paul McCarthy, a representative of Garaventa Lift, came before the Board seeking a variance from 524 CMR Section 32.04 seeking approval for vertical travel distance dimension of 13 feet 6 inches. Ms. Savasta stated to the board that the building is a public school that was built in 1896, and is comprised of two buildings. Ms. Savasta is seeking a variance for only Building #2 due to space constraints and that Building #1 meets the travel distance dimensions. CSS Architects were originally contracted by the Massachusetts School Building Authority to replace only doors, windows and boiler and since they spent over \$500,000 CSS Architects are now required to provide accessible entry and toilets. The proposed newly installed vertical lift will be at both buildings, which are ventilated horizontally to the outside, would provide access to toilets and the main office. The Board pointed out to Ms. Savasta that the incorrect code was cited for a variance and that the correct code Ms. Savasta would be seeking a variance for is 524 CMR Section 35 A17.1 1996 Part XX 2000.7A. A motion was put forth by David Morgan to grant a variance as amended with proper code stipulation and the approval for vertical travel distance dimension of 13 feet 6 inches. The motion was seconded by Cheri Davis.

Motion: David Morgan

Seconded by: Cheri Davis

Vote: 5-0; Granted

Matters not reasonably anticipated 48 hours in advance of meeting

Exhibit List:

Exhibit 1: Meeting minutes from May 24, 2016

Exhibit 1: Variance Petition - 835 West Central St. – Franklin, MA

Exhibit 2: Variance Petition - 74 Bridge St. – Northampton, MA

Exhibit 3: Variance Petition - 47 Sixth St. – Cambridge, MA

Exhibit 4: Variance Petition - 311 Grafton St. – Building #2 – Worcester, MA

Motion to adjourn by: John O'Donoghue, Seconded by: David Morgan

Hearing Concluded at 2:30 p.m.

Prepared by: Ruthy Barros